IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1244 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/06/2004 in WP NO : 10087 OF 1994 on the file of the High Court.)

Between:

Anwar Brothers, represented by its Proprietor, Mohd. Moulana Hussain, S/o. Mohd. Hussain, R/o. 19-2-227/4/1, Bahadurpura, Hyderabad.

..... APPELLANT

AND

1 The A.P. State RoadTransport Corporation, rep by its Managing Director, Musheerabad, Hyderabad.
2 The Dy. Manager(Materials)D &T, The A.P.S.R.T.C.VIZIANAGARAM.

.....RESPONDENT(S)

Counsel for the Appellant:MR.B.NALIN KUMAR

Counsel for the Respondents.: MR.P. VINAYAKA SWAMY

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

We have heard the learned counsel for the parties and gone through the order of the learned single judge.

The learned single judge has dismissed the writ petition on the ground that the dispute raised is only in the realm of contract entered into by the appellant in Private Law and the Public Law remedy has no application.

The appellant/petitioner having entered into Contract and having taken benefit under the Contract, cannot invoke the writ jurisdiction questioning the legality and validity of the terms of the Contract.

The writ appeal is accordingly dismissed. No costs.

DEVINDER GUPTA, CJ

Date: 1st September, 2004

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C.V.RAMULU,J

pnb

To

1. The Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad.

2 The Dy. Manager(Materials)D &T, The A.P.S.R.T.C.VIZIANAGARAM.

3 Two C.D. copies